

**Chapter 502: DIRECT WATERSHEDS OF WATERBODIES MOST AT RISK FROM NEW DEVELOPMENT, AND SENSITIVE OR THREATENED REGIONS OR WATERSHEDS**

**SUMMARY:** This chapter lists the areas of the state in which the stormwater quality standards described in chapter 500 apply.

- 1. Applicability.** This chapter applies to (A) a project that requires a stormwater permit pursuant to 38 M.R.S.A. § 420-D, and (B) a development that may substantially affect the environment and requires a site location of development (Site Law) permit pursuant to 38 M.R.S.A. §§ 481 - 490.
- 2. Definitions.** Unless the context otherwise indicates, definitions of terms in Chapter 500 apply to terms used in this chapter. See "Definitions", 06-096 CMR 500.2.
- 3. Criteria.** The criteria in this section are used to identify the direct watersheds of waterbodies most at risk from new development, and sensitive or threatened regions or watersheds.

The criteria apply for both projects requiring a stormwater permit and developments requiring a site location of development permit, unless otherwise specifically stated.

**A. Direct watershed of waterbodies most at risk from new development.** The following types of resources are considered most at risk from new development.

(1) Lakes. A lake that is

- (a) A public water supply; or
- (b) Identified by the department as being in violation of class GPA water quality standards or as particularly sensitive to eutrophication based on
  - (i) Current water quality,
  - (ii) Potential for internal recycling of phosphorus,
  - (iii) Potential as a cold water fishery,
  - (iv) Volume and flushing rate, or
  - (v) Projected growth rate in the watershed.

Severely blooming lakes are a subset of lakes most at risk. A severely blooming lake has a history of algal blooms, and the reduction of existing watershed phosphorus sources sufficient to eliminate those algal blooms is expected to be so difficult that the addition of new, incompletely mitigated development sources may prevent successful restoration of the lake.

- (2) Rivers, streams or brooks. That portion of a river, stream or brook serving as a public water supply, that is located at or above a public water supply intake, if the municipality (a) has a filtration waiver, or (b) uses slow sand filtration.

(3) Coastal wetlands. A coastal wetland identified by the department to be either in violation of class SA, SB, or SC water quality standards for marine waters, or particularly sensitive to nutrient, toxic or pathogen contamination based upon one or more of the following factors.

(a) Current water quality, fish tissue, or sediment data including but not limited to the following.

(i) Pathogen concentrations in shellfish growing areas exceeding national shellfish sanitation standards subsequent to rain events of two inches or less in a 24-hour period.

(ii) Dissolved oxygen concentrations at or near levels that result in adverse impacts to the aquatic community.

(iii) Concentrations in fish tissue or sediments of toxics associated with runoff at levels that pose a significant risk to the ecosystem or public health, or significantly elevated over State or Federal background estimates.

(b) Potential as a marine fishery as determined by the Department of Marine Resources.

(c) Physical characteristics (hydrologic or geomorphic) that reduce tidal exchange or in some other way limit assimilative capacity or trap pollutants within the system such as the following.

(i) Low flushing rate.

(ii) Long narrow waterbodies.

(iii) Tide range or tidal volume.

(iv) Bar (ledge or sand) across main channel.

(v) Extensive salt marsh or tidal flats.

(d) Tidal volume compared to watershed size and runoff volume of direct watershed.

(e) Projected growth rate in the watershed.

**B. Sensitive or threatened regions or watersheds.** The following types of resource areas are considered sensitive or threatened regions or watersheds. More types of resource areas are considered sensitive or threatened for purposes of a development requiring a site location of development permit, than for a project requiring only a stormwater permit, because a development requiring a site location of development permit may substantially affect the environment. See 38 M.R.S.A. § 482(2).

(1) Lake watersheds. The direct watershed of a lake that is not most at risk from new development.

(2) River, stream or brook watersheds

- (a) For purposes of a project requiring a stormwater permit, that portion of the watershed of a river, stream or brook (i) that is not within the watershed of a river, stream or brook most at risk from new development, (ii) that drains to a public water supply, and (iii) that is at the public water supply intake or drains to the river, stream or brook within 2 miles upstream from the intake.
  - (b) For purposes of a development requiring a site location of development permit, the watershed of any river, stream or brook that is not a river, stream or brook most at risk from new development.
  - (3) Wetland watersheds. For purposes of a development requiring a site location of development permit, the watershed of (a) a freshwater wetland that contains threatened or endangered species and is not within the watershed of a lake, river, stream or brook most at risk from new development; or (b) a coastal wetland not most at risk from new development.
4. **List.** The following are waterbodies most at risk from development, and sensitive or threatened regions or watersheds.

The listed areas apply for both projects requiring a stormwater permit and developments requiring a site location of development permit, unless otherwise specifically stated.

**A. Direct watersheds of waterbodies most at risk from new development.** The following are considered waterbodies most at risk from new development.

- (1) Lakes. Lakes listed in Appendix A.
- (2) Rivers, streams or brooks. Rivers, streams or brooks listed in Appendix B(1).
- (3) Coastal wetlands. Coastal wetlands listed in Appendix C.

**B. Sensitive or threatened regions or watersheds.** The following are considered sensitive or threatened regions or watersheds.

- (1) Lake watersheds. Direct watersheds of lakes other than those listed in Appendix A.
- (2) River, stream or brook watersheds
  - (a) For purposes of a project requiring a stormwater permit, those portions of the watersheds and channels of rivers, streams or brooks in townships listed in Appendix B(2), that are located at or within 2 miles up-stream of a public water supply intake.
  - (b) For purposes of a development requiring a site location of development permit, the watersheds of all rivers, streams and brooks not listed as most at risk from new development in Appendix B(1).
- (3) Wetland watersheds. For purposes of a development requiring a site location of development permit, the watersheds of (a) freshwater wetlands containing endangered or threatened species and not within the watershed of a lake, river, stream or brook most at risk from new development, and (b) coastal wetlands not listed as most at risk from new development in Appendix C.

5. **Further rulemaking.** By July 1, 1998, the commissioner shall present amendments updating this chapter to the board for posting to public hearing. These amendments must, at a minimum, include an updated list of rivers, streams and brooks.

AUTHORITY: 38 M.R.S.A. §§ 341-D, 420-D, and 484

EFFECTIVE DATE: December 31, 1997

**APPENDIX A****Lakes Most at Risk from Development**

(x) = Severely Blooming

LAKE	TOWN
ADAMS POND	BOOTHBAY
ADAMS POND	NEWFIELD
ADAMS POND	BRIDGTON
ALLEN POND	GREENE
ANASAGUNTICOOK LAKE	CANTON
ANDERSON POND	AUGUSTA
ANNABESSACOOK LAKE (X)	WINTHROP
BARTLETT POND	WATERBORO
BAUNEG BEG POND	SANFORD
BAY OF NAPLES	NAPLES
BEAVER POND	BRIDGTON
BERRY POND	WINTHROP
BERRY POND	GREENE
BIRCH HARBOR POND	WINTER HARBOR
BLACK POND	SWEDEN
BONNY EAGLE LAKE	BUXTON
BOULTER POND	YORK
BOYD POND	LIMINGTON
BRANCH LAKE	ELLSWORTH
BRANCH POND	CHINA
BRETTUNS POND	LIVERMORE
BUKER POND	LITCHFIELD
BUNGANUT POND	LYMAN
BURNTLAND POND	STONINGTON
CARLTON POND	WINTHROP
CHAFFIN POND	WINDHAM
CHASES POND	YORK
CHICKAWAUKIE POND	ROCKPORT
CHINA LAKE	CHINA
CITY POND	SANDY RIVER
	PLANTATION
COBBOSSECONTEE LAKE (X)	WINTHROP
COCHNEWAGON LAKE	MONMOUTH
COFFEE POND	CASCO
COLD RAIN POND	NAPLES
CRAWFORD POND	WARREN
CRESCENT POND	RAYMOND
CRYSTAL LAKE	GRAY
CRYSTAL POND	TURNER
DAM POND	AUGUSTA
DAMARISCOTTA LAKE,	NOBLEBORO
MIDDLE AND SOUTH BASINS	
DAVIS POND	HOLDEN
DEER POND	HOLLIS
DEERING POND	SANFORD
DESERT POND	MOUNT VERNON
DEXTER POND	WINTHROP
DODGE POND	RANGELEY
DUCKPUDDLE POND	WALDOBORO
DUMPLING POND	CASCO

DUTTON POND	CHINA ALBION
EAGLE LAKE	BAR HARBOR
EAST POND	SMITHFIELD
ECHO LAKE	PRESQUE ISLE
ELL POND	SANFORD
ESTES LAKE	SANFORD
ETNA POND	STETSON
FAIRBANKS POND	MANCHESTER
FLOODS POND	OTIS
FOLLY POND	VINALHAVEN
FOREST LAKE	WINDHAM
FRESH POND	NORTH HAVEN
GARDINER POND	WISCASSET
GARLAND POND	GARLAND
GRANNY KENT POND	SHAPLEIGH
GRASSY POND	ROCKPORT
GREAT POND	BELGRADE & ROME
GREAT POND	CAPE ELIZABETH
GREELEY POND	AUGUSTA
GREEN POND	OXFORD
HALEY POND	RANGELEY
HALF MOON POND	ST ALBANS
HALL POND	PARIS
HANCOCK POND	EMBDEN
HATCASE POND	DEDHAM
HERMON POND	HERMON
HIGHLAND LAKE	BRIDGTON
HIGHLAND LAKE	WINDHAM
HOBBS (LT PENNESSE.)	NORWAY
HOGAN POND	OXFORD
HOLBROOK POND	HOLDEN
HOLLAND POND	LIMERICK
HORNE POND	LIMINGTON
HOSMER POND	CAMDEN
HUTCHINSON POND	MANCHESTER
INGALLS POND	BRIDGTON
INGHAM POND	MOUNT VERNON
ISINGLASS POND	LIMINGTON
JACOB BUCK POND	BUCKSPORT
JIMMIE (JAMIES) POND	MANCHESTER
JIMMY POND	LITCHFIELD
JORDAN POND	MOUNT DESERT
KENNEBUNK POND	LYMAN
KEZAR POND	WINTHROP
KILLICK POND	HOLLIS
KNICKERBOCKER POND	BOOTHBAY
KNIGHT POND	SOUTH BERWICK
LAKE AUBURN	AUBURN
LAKE GEORGE	SKOWHEGAN
LAKE WOOD	BAR HARBOR
LILLY POND	ROCKPORT
LILY POND	SIDNEY
LILY POND	NEW GLOUCESTER
LITTLE COBBOSSEE	WINTHROP
LITTLE DUCK POND	WINDHAM
LITTLE MEDOMAK POND	WALDOBORO
LITTLE OSSIPEE	WATERBORO
LITTLE POND	DAMARISCOTTA
LITTLE PURGATORY POND	MONMOUTH
LITTLE SABATTUS	GREENE

LITTLE SEBAGO LAKE	WINDHAM	PLEASANT POND (X)	RICHMOND
LITTLE TOGUS POND	AUGUSTA	POVERTY POND	NEWFIELD
LITTLE WATCHIC POND	STANDISH	QUIMBY POND	RANGELEY
LITTLE WILSON POND	TURNER	RAYMOND POND	RAYMOND
LONG LAKE	BRIDGTON	RICH MILL POND	STANDISH
LONG POND	MOUNT DESERT	ROBERTS WADLEY POND	LYMAN
LONG POND	BUCKSPORT	ROCKY POND	ROCKPORT
LONG POND	SULLIVAN	ROUND POND	RANGELEY
LOON POND	SABATTUS	RUNAROUND POND	DURHAM
LOON POND	LITCHFIELD	SABATTUS POND (X)	GREENE
LOVEJOY POND	ALBION	SABBATHDAY LAKE	NEW GLOUCESTER
LOWER AND UPPER PONDS	SKOWHEGAN	SALMON L (ELLIS P)	BELGRADE
LOWER HADLOCK POND	MOUNT DESERT	SALMON STREAM POND	GUILFORD
LOWER NARROWS POND	WINTHROP	SAND POND	MONMOUTH
LOWER RANGE POND	POLAND	SAND POND	LIMINGTON
MACES POND	ROCKPORT	SANDY BOTTOM POND	TURNER
MANSFIELD POND	HOPE	SANDY POND	FREEDOM
MARANACOOK LAKE	WINTHROP	SAWYER POND	GREENVILLE
MARSHALL POND	OXFORD	SCITUATE POND	YORK
MCGRATH POND	OAKLAND	SEBAGO LAKE	SEBAGO
MEDOMAK POND	WALDOBORO	SEBASTICOOK LAKE	NEWPORT
MEGUNTICOOK LAKE	LINCOLNVILLE	SECOND POND	DEDHAM
MIDDLE BRANCH POND	ALFRED	SEWALL POND	ARROWSIC
MIDDLE RANGE POND	POLAND	SHAKER POND	ALFRED
MIRROR LAKE	ROCKPORT	SHERMAN LAKE	NEWCASTLE
MOODY POND	LINCOLNVILLE	SHY BEAVER POND	SHAPLEIGH
MOODY POND	WATERBORO	SILVER LAKE	BUCKSPORT
MOOSE HILL POND	LIVERMORE FALLS	SPECTACLE POND	VASSALBORO
MOOSE POND	OTISFIELD	STARBIRD POND	HARTLAND
MOUNT BLUE POND	AVON	SWAN POND	LYMAN
MOUSAM LAKE	SHAPLEIGH	SWETTS POND	ORRINGTON
MUD POND	WINSLOW	SYMMES POND	NEWFIELD
MUD POND	CHINA	TAYLOR POND	AUBURN
MUD POND	WINDSOR	THOMAS POND	CASCO
MUD POND	OXFORD	THOMPSON LAKE	OXFORD
MURDOCK POND	BERWICK	THREECORNERED POND	AUGUSTA
NEQUASSET POND	WOOLWICH	THREEMILE POND (X)	WINDSOR
NICHOLS POND	SWANVILLE	TOGUS POND	AUGUSTA
NO NAME POND	LEWISTON	TOLMAN POND	AUGUSTA
NOKOMIS POND	NEWPORT	TOOTHAKER POND	PHILLIPS
NORTH POND	NORWAY	TRAVEL POND	JEFFERSON
NORTH POND	SUMNER	TRICKEY POND	NAPLES
NORTH POND	SMITHFIELD	TRIPP POND	POLAND
NORTON POND	LINCOLNVILLE	TYLER POND	MANCHESTER
NOTCHED POND	RAYMOND	UNITY POND	UNITY
NUBBLE POND	RAYMOND	UPPER NARROWS POND	WINTHROP
OAKS POND	SKOWHEGAN	UPPER RANGE POND	POLAND
OTTER POND	BRIDGTON	WADLEY POND	LYMAN
OTTER PONDS #2	STANDISH	WARD POND	SIDNEY
PANTHER POND	RAYMOND	WARDS POND	LIMINGTON
PARADISE POND	DAMARISCOTTA	WARREN POND	SOUTH BERWICK
PARKER POND	CASCO	WASSOOKEAG LAKE	DEXTER
PARKER POND	JAY	WATCHIC POND	STANDISH
PARKER POND	LYMAN	WEBBER POND (X)	VASSALBORO
PATTEE POND	WINSLOW	WEST GARLAND POND	GARLAND
PATTEN POND	HAMPDEN	WEST HARBOR POND	BOOTHBAY HARBOR
PEMAQUID POND	WALDOBORO	WHITES POND	PALMYRA
PENNESSEEWASSEE	NORWAY	WHITNEY POND	OXFORD
PETINGILL POND	WINDHAM	WHITTIER POND	ROME
PLEASANT POND	TURNER	WILEY POND	BOOTHBAY

WILSON POND  
WOOD POND  
WOODBURY POND  
WORTHLEY POND  
YORK POND  
YOUNGS LAKE

WAYNE  
BRIDGTON  
MONMOUTH  
POLAND  
ELIOT  
WESTFIELD

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## APPENDIX B

### (1) Rivers, Streams or Brooks Most at Risk from Development

Waterbody	Municipality or Area Served by Public Water Supply
Chapman Brook	Bethel
Petite Brook	St. Francis

### (2) Sensitive or threatened regions or watersheds

Stoney Brook	Andover
Salmons Falls River	Berwick
Saco River	Biddeford-Saco Area
Aroostook River	Caribou
Aunt Hanna Brook	Dixfield
Pattee Brook	Fort Fairfield
Branch Brook	Kennebunk, Kennebunkport, Wells
Silver Spring Brook	Limestone
Limestone Stream	Limestone
Little Madawaska River	U.S. Air Force -- Loring
Sebec River	Milo
St. John River	Madawaska
Presque Isle Stream	Presque
Kennebec River	Skowhegan
Quarry Hill Brook	Waldoboro



**APPENDIX C****Coastal Wetlands Most at Risk from New Development**

## Small Estuaries, Tidal Rivers, and Bays

**Spruce Creek (All)**

Sections of Kittery and Eliot which are within the watershed of the tidal and freshwater segments of Spruce Creek inland of the Rte. 103 bridge between Kittery and Kittery Point.

**Ogunquit River (All)**

The sections of Ogunquit, Wells, York, and South Berwick which are encompassed within the watershed of the tidal and freshwater segments of the Ogunquit River and its tributaries inland from the mouth of the Ogunquit Estuary.

**Scarboro Estuary System (All)**

The sections of Scarborough, Old Orchard Beach, South Portland, Gorham, and Saco that are within the watershed of the tidal and freshwater segments of the Scarboro River inland from its junction with Saco Bay at Pine Point plus all its tributaries including, but not limited to, the Nonesuch River, the Libby River, and Jones Creek.

**New Meadows River (Excluding waters west of Gurnet Strait and Rte. 24)**

The sections of Phippsburg, Harpswell, West Bath, Bath and Brunswick within the watershed of the tidal and freshwater segments of the New Meadows River inland from its junction with Casco Bay at Fort Point plus all its tributaries, but excluding the tidal waters that lie west of the Rte. 24 Bridge at Gurnet Strait.

**Medomak River (Segment)**

The section of Waldoboro that is within the watershed of the tidal and freshwater segments of the Medomak River and its tributaries, inland of a line between the northern end of Jones Neck and Havener Point and south of Winslows Mills.

**St. George River (Segment)**

The sections of Cushing, St. George, South Thomaston, Thomaston, Rockland, and Warren, that are within the watershed of the tidal and freshwater segments of the St. George River inland of a line connecting Bailey Point in Cushing to Watts Point in St. George and downstream of the outlets of south pond, White Oak Pond, and Chickawaukie Lake plus all the St. George River's tributaries within this area including, but not limited to, the Oyster River and Mill Creek.

**Weskeag River (All)**

The sections of South Thomaston, Owls Head, Thomaston, and Rockland that are within the watershed of the tidal and freshwater segments of the Weskeag River inland from its confluence with Penobscot Bay at Spaulding Island plus all the Weskeag's tributaries.